IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10735 of 2004

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment?

2 To be referred to the Reporter or not?

3 Whether their Lordships wish to see the fair copy of the judgment?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

RAMESHCHANDRA MANEKLAL BHATT - Petitioner(s)
Versus
SURENDRANAGAR DISTRICT PANCHAYAT & 6 - Respondent(s)

==========

Appearance :
MRS DT SHAH for the Petitioner
RULE SERVED for Respondent(s) : 1,2,3 and 7.
MR HS MUNSHAW for Respondent No. 4
MS REETA CHANDARNA, A.G.P. for Respondent Nos. 5 and 6
==========

CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 09/03/2006

ORAL JUDGMENT

1. In the present petition, the petitioner has prayed for direction to receive post retiral benefits and difference in salary pursuant to Government Resolution and in particular Circular dated 19.10.1988. In response

to notice issued by this Court, respondent No.4 – Taluka Development Officer has filed affidavit-in-reply dated 16.07.2005. In the said affidavit it is stated that the decision is already taken to release benefits under Government Resolution dated 17.10.1988 in favour of the petitioner. Consequently, all benefits would be made available to the petitioner. In the said reply it is also stated that a letter was also written to respondent no.3 on 18.06.2005 for releasing grant to enable respondent No.4 to make necessary payments to the petitioner. Along with the reply the respondent no.4 has produced an order dated 07.02.2005 by which the petitioner is found entitled to receive certain benefits.

2. Ms. D.T.Shah, learned Advocate for the petitioner submitted that in view of the said order dated 07.02.2005 the demands of the petitioner made in the present petition have been met with. She further submitted that actual payments have not yet been made.

3. In view of the statement made by respondent No.4. in the above mentioned affidavit-in-reply, the petitioner had joined District Assistant Examiner, Local Fund, Audit Bhavan, Surendranagar as party-respondent No.7. It is also stated that notice issued to the said respondent has

been duly served.

4. Ms. Chandarana, learned Assistant Government Pleader appearing for the State Government authorities submitted that though she does not have specific instructions from respondent no.7 newly added party, in view of the fact that Taluka Development Officer has already passed order for releasing the pay and post retiral benefits of the petitioner and since pension papers have been already forwarded to the government authorities, she would take up the issue with respondent no.7 for early release of grant in accordance with rules.

5. In view of the above developments, the present petition is disposed of by directing respondent no.7 to take into account the order dated 07.02.2005 passed by Taluka Development Officer and take final decision with respect to releasing grant for payment of the arrears of salary and post retiral benefits of the petitioner on the basis of said order. The decision shall be taken within a period of two weeks from the date of receipt of a copy of this order. Consequential steps thereupon shall be taken by all respondents expeditiously and amounts if found payable be released in favour of the petitioner within a period of four weeks of such decision being taken.

6. With these directions, the petition is disposed of at this stage with a liberty to revive in case of difficulty. Rule is made absolute to the limited extent. No order as to costs.

[Akil Kureshi, J.]

satishcv